IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**
**and**
**THE HON'BLE MR JUSTICE G. V. SEETHAPATHY**

**TAKEN UP WRIT PETITION NO : 26689 of 2007**

**DATE:20.12.2007**

Between:

Sri Mohammed Bilal

**..... PETITIONER**

AND

1. The Station House Officer, Afzulgunj Police Station, Hyderabad, and another.

**.....RESPONDENTS**

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**ORAL ORDER:** (per Hon'ble Sri Justice A. Gopal Reddy)

The telegram, dated 06.12.2007, sent by the petitioner alleging that his cousin Mohammed Zahed Hussain, (the alleged detenu) was illegally detained by the Station House Officer, Afzalgunj Police Station, since last seven days and was subjected to third degree methods, has been taken up as writ petition.

In response to Rule Nisi, the Inspector of Police, Afzalgunj Police Station, the first respondent herein, filed counter affidavit stating that the alleged detenu is an accused in Crime No.506 of 2007 of Chaderghat Police Station, registered on 7.12.2007 for the offence under Section 379 IPC. In connection with the above crime, the Chaderghat Police affected the arrest of the alleged detenu on 7.12.2007 and produced him before the VIII Additional Chief Metropolitan Magistrate, Hyderabad, on 8.12.2007. On such production, the learned Magistrate remanded the alleged detenu to judicial custody, and accordingly he was lodged in central prison at Chenchalguda. Later, he was enlarged on bail on 12.12.2007. The copies of the remand report and other material papers filed along with the counter, go to show that Crime Nos.905, 908 and 910 of 2007 were registered against the accused by the Afzalgunj Police for the offence punishable under Section 379 IPC. On coming to know about the information by the Chaderghat Police about the arrest of the alleged detenu, the first respondent filed Production Transmit Petitions in connection with the above referred three crimes before the II Additional Chief Metropolitan Magistrate, Hyderabad for regularizing arrest of the alleged detenu. But, in the mean time, the alleged detenu

obtained bail and fled away in order to evade his arrest.

Having regard to the fact that the alleged detenu was remanded to judicial custody by the learned Magistrate and pursuant to the remand order he was lodged in central prison, the allegation that the alleged detenu was illegally detained by the Afzalgunj Police, cannot be accepted.

Accordingly, the Writ Petition is dismissed.

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**(A. GOPAL REDDY, J.)**

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**(G. V. SEETHAPATHY, J.)**

20th December, 2007
Js.